

In Confidence

Office of the Minister for Crown/Māori Relations
Chair, Cabinet Crown/Māori Relations Committee

Proposed final scope of the Crown/Māori Relations portfolio and a Crown/Māori Engagement Framework and Guidelines

Proposal

1. This paper outlines public feedback and officials' analysis on the scope of the Crown/Māori Relations portfolio (the portfolio) and seeks Cabinet agreement:
 - 1.1 for me to seek agreement from the Prime Minister to the proposed final scope of the portfolio;
 - 1.2 in principle, to the establishment of a Crown Māori Office as a departmental agency to be hosted by the Ministry of Justice; and
 - 1.3 for the overall Crown/Māori engagement framework and guidelines to help government engagement with Māori.

Executive Summary

2. Following Cabinet consideration of the initial scope of the portfolio in March I undertook an engagement process during which I held over 30 hui attended by over 1600 people and received around 230 submissions.
3. New Zealanders provided views on the scope and placement of the portfolio and the initial priority areas. People talked to me about a range of other things of interest to them that touched on other Ministerial portfolios. A summary of the submissions will be publicly available on the Ministry of Justice website shortly.
4. I was encouraged that the engagement process largely endorsed the priority areas in the initial scope. The responsibilities I am recommending in the final scope for the portfolio represent ambitious but achievable goals to strengthen Crown/Māori partnerships.
5. I will write to the Prime Minister to seek her agreement to change the name of the portfolio to Crown Māori. I seek Cabinet agreement for me to seek the Prime Minister's agreement for most elements of the initial scope of the portfolio to be confirmed, one element to be removed and the addition of two elements.
6. I see an opportunity to consolidate a range of distinct but related government functions that support (or should support) Crown/Māori partnerships, given the mana they deserve, and put the Crown on better footing to build on the foundation that is being renewed through the Treaty settlement process. We need to give greater focus, coherence and prominence to these functions. Doing so would allow us to retain the knowledge, experience, capability and relationships built through the settlement process. I am firmly of the view that the proposed office must not be hidden in the depths of its host department. The office should complement good work being done already and add value where improvement is needed. It cannot do things

for other agencies at the expense of those agencies gaining necessary capability but neither is the public sector ready to take on those responsibilities.

7. I seek agreement in principle to the establishment of a Crown Māori Office as a Departmental Agency to be hosted by the Ministry of Justice to support me, other Ministers and all government agencies with particular responsibilities in supporting Crown/Māori partnerships. This office would complement the work of existing agencies and be focussed on making the Crown a better Treaty partner. It is my view that this is the area that requires urgent and deliberate attention. It is fundamental to the impact and long term success of the office that, notwithstanding the final form, it be responsible directly to portfolio Ministers for strategy and policy setting advice.
8. In March I told Cabinet that we needed to establish a framework to guide Ministers and public-sector agencies engagement with Māori. Engagement needs to be flexible and "fit for purpose". Government processes, and outcomes for all New Zealanders, will be improved with a more capable public sector. I want public servants to have tools that will help them do a better job of engaging with Māori. The engagement framework I seek agreement to has been designed with its intended users in mind and tested with a focus group of officials.

Background

Establishment and initial scope of Crown/Māori Relations portfolio

9. The establishment of this portfolio indicates a desire from this government to focus on the opportunities that settling claims makes possible. This requires us to look at ways to demonstrate true and practical partnerships are possible beyond the Treaty settlement negotiating table. It signals a need for the Crown and Māori to move forward together.
10. In March 2018 I described the initial scope of the portfolio as having overarching responsibilities and underneath that more detailed priority areas [CAB-18-MIN-0078 Minute].
11. The responsibilities were to:
 - 11.1 look for and facilitate partnership opportunities with Māori (including beyond those established by Treaty settlements);
 - 11.2 build the Crown's understanding and honouring of its Treaty obligations;
 - 11.3 increase opportunities for and quality of Crown/Māori engagement on important issues and promote good practice;
 - 11.4 ensure Treaty settlement commitments are met to maintain trust and confidence; and
 - 11.5 provide strategic advice to the Prime Minister and Cabinet on the risks and opportunities in the Crown/Māori relationship.
12. The priority areas were to:
 - 12.1 take the lead on resetting Crown/Māori relationships on hard issues;

- 12.2 find opportunities for active partnerships between the Crown and Māori;
 - 12.3 measure how healthy the Crown/Māori relationship is over time to drive accountability;
 - 12.4 help government to better engage with Māori on matters of importance;
 - 12.5 support Māori capability and capacity to deal with government;
 - 12.6 lift public sector performance to better respond to Māori issues; and
 - 12.7 develop a way to deal with contemporary Treaty claims.
13. In March I informed Cabinet that I would engage with Māori to discuss the initial scope and priorities before I reported back to Cabinet.

Interim guidance for Ministers and the public sector on engagement with Māori

14. Cabinet also agreed guidance for use by government in engaging with Māori prior to the completion of a Crown/Māori Engagement Framework (the **interim guidance**) in March. Key parts of the interim guidance were:
- 14.1 strong active partnerships with Māori in the design and implementation of the process and outcomes is required where the impact of the issue or proposal will be significant for Māori;
 - 14.2 engagement should be broad and include discussions with relevant national Māori organisations where there are issues of national significance; and
 - 14.3 engagement should be undertaken through existing iwi regional fora or with affected iwi/hapū and/or regional/local based Māori organisations where there are issues of regional or local significance.
15. Feedback to date has been that this guidance has proved helpful to Ministers and public-sector engagement as has the assurance role that my officials have taken up since March. This paper seeks agreement to the new Crown/Māori engagement framework.

Comment

16. The following section is structured in the following way:
- 16.1 sub-section one outlines the engagement process and some of the feedback I received on the portfolio (and other portfolios);
 - 16.2 sub-section two sets out my vision for Crown/Māori partnerships;
 - 16.3 sub-section three seeks confirmation of elements of the initial scope in the final scope of the portfolio;
 - 16.4 sub-section four sets out analysis and decisions I seek from Cabinet on new elements of the portfolio that were not in the initial scope, a proposed name change and structural changes; and
 - 16.5 sub-section five contains the overall Crown/Māori engagement framework that I seek approval for.

Sub-section One: The engagement process

17. When I became the Minister, I didn't want to repeat the mistakes of the past. Those mistakes included instances where governments decided they knew what was best for Māori, sat in Wellington and wrote up a strategy, then went out to whānau, hapū and iwi and told them what the government had decided will be in their best interests. That approach doesn't work. Instead I took the time to go around the country and ask what we needed to do to strengthen the relationship and what my priorities as Minister should be.
18. I sought public submissions and undertook an engagement process on the initial scope of the portfolio between March and June. I held 32 hui attended by over 1600 people and received around 230 submissions. I completed the engagement process with a whole day wānanga held at Parliament with a selection of twelve people who had attended the hui or made a submission.
19. Submissions were made by individuals, groups and organisations; by Māori and non-Māori, by people who supported the portfolio and by people who did not.
20. When I started the engagement process I expected to hear people say they didn't see the value in a closer relationship between the Crown and Māori, or that we need a separate Māori Parliament. Instead, the overwhelming feedback has been that New Zealanders do value the relationship but that it needs real partnerships and for us to achieve this requires the government to up its game in a number of areas.

What people told me

21. People used the engagement process to tell me about a range of things of interest to them but also to provide views on the questions I asked specifically about whether my initial priority areas were right.
22. I received a range of suggestions about what my priorities should be in this portfolio. I have categorised feedback as follows:

*Tautoko the recognition that
Crown/Māori Relations need
strengthening
(Whangarei hui, 8 April)*

- 22.1 suggestions about the name of the portfolio and its placement within the public service, including:
 - 22.1.1 proper resourcing, naming and placement of the portfolio within the public service;
 - 22.1.2 being clear about the difference between the portfolio and the Māori Development portfolio; and
 - 22.1.3 that specific legislation or a separate government agency be set up to support Crown/Māori relations;
- 22.2 the priorities in the initial scope of the portfolio, including:
 - 22.2.1 the portfolio should take a long-term (15-20 year) view of the relationship;

- 22.2.2 that I should co-develop a modern day forward looking Treaty based framework that will guide the Crown/Māori relationship; and
- 22.2.3 that I must find ways for Māori ethics on good relations to determine all Crown relations with Māori;
- 22.3 other priorities that were not in the initial scope of the portfolio, including:
- 22.3.1 that the portfolio needs a mandated monitoring role if it is to be effective;
- 22.3.2 considering how we shape the New Zealand constitution in the future to underpin better relationships between the Crown and Māori; and
- 22.4 issues relating to other Ministers portfolios, including:
- 22.4.1 Local Government – concerns were expressed about the lack of Māori representation and ability for Māori to be decision-makers in local government issues, access to local government being difficult and having nowhere to go if local government doesn't cooperate;
- 22.4.2 Education – people thought work should be done to address unconscious bias in teachers and to ensure that New Zealand history and te reo Māori are core components of the curriculum;
- 22.4.3 Health – people thought more money should be invested in communities supporting whānau dealing with family violence, drug addiction, mental health issues and prevention services rather than the district health boards and district health boards should have more Māori representation;
- 22.4.4 Criminal justice – I heard that government should provide early intervention and holistic approaches to address mental health issues with targeted care and support for tāne and gang members and culturally competent rehabilitation services to support prisoners to transition back into society and reduce tangata whenua over-representation in the criminal justice system; and
- 22.4.5 Environment - people supported environmental issues remaining a priority for government and stated that Māori are at the forefront of seeking sustainable management practices and environmental protection but are under-resourced and under-credited when engaging with officials.
23. A summary of the issues raised most often and what people told me through the engagement process, using quotes from submitters, has been provided to all Ministers and will be publicly available on the Ministry of Justice website shortly.
24. I have written to relevant Ministers about issues that were raised in relation to their portfolios. A table outlining broadly what I advised Ministers of is attached as **Appendix One**.
25. I was encouraged that our instincts about what the portfolio should do and focus on

"[The priority areas under the initial scope] are some good fundamentals of how to connect with Māori"

(Individual Submission)

(as set out in my March paper) were largely in line with what I heard in the engagement process. That process, by and large, endorsed the priority areas in the initial scope of the portfolio.

26. Suggestions about other areas the portfolio could focus on warranted serious consideration; in deciding what to recommend as responsibilities in the final scope of the portfolio I have not accepted all the feedback but arrived at what I consider to be ambitious, but achievable goals to strengthen Crown/Māori partnerships.

Sub-section Two: Our vision

27. Through the engagement process Māori set a challenge for this portfolio – to be bold and to be brave. People reminded me that I need to ensure we are not just focussed on transactional issues; we need to be aspirational too. I agree with hui attendees who told me we need to change the kōrero from 'what Māori cost the country' to 'what value add can be achieved by appropriately partnering with Māori'. I want more from this portfolio than words and promises and people told me they did too.

28. In the concluding chapters of the report on the Wai 262 claim the Waitangi Tribunal panel presided over by Justice Joe Williams articulated the challenge facing the nation:

"[We] should shift our view of the Treaty from that of a breached contract, which can be repaired in the moment, to that of an exchange of solemn promises made about our ongoing relationships. It is the historical settlement process itself that allows us to shift our attention in this way from the past to the future... After decades of profound social and political change, and a generation long focus on the resolution of past grievances, we are now ready to enter a new stage in the relationship.

While the Treaty makes it a constitutional responsibility to adjust the Crown–Māori relationship, even without the Treaty the country would have a social and political responsibility to do so.

Some New Zealanders are uneasy about these ideas because they require us to jettison some long-held assumptions about who and what we are... History and the future both demand that we make the leap to acceptance of Māori culture and identity as a founding pillar of our national project. This is not just a matter of justice (though it is that, of course). Demographics, economics, and geo-politics suggest it is now a matter of necessity."

29. I told hui participants that I am looking at 2040 and trying to work out where we want to be as a nation. While keen to conclude historical Treaty settlements, this government is looking beyond Treaty settlement negotiations. We need to shift the relationship from one focussed on historical grievance to one focussed on true partnerships. Achieving this change requires decisive and active leadership – we cannot assume the renewed relationship established by Treaty settlements will continue to flourish if nobody makes that happen.
30. My vision is to realise the true promise of the Treaty for all New Zealanders ahead of the 200-year anniversary of its signing in 2040. The vision draws from the promises of the protection of rights, interests, resources and equality for all New Zealanders. The Crown being a better Treaty partner will unlock social and economic potential, reap benefits for all New Zealanders and be less costly in the long-run than if we take a litigation focussed approach to Crown/Māori partnerships.

Sub-section Three: Confirm some elements of initial scope as responsibilities in final scope

31. Whereas the initial scope of the portfolio was split into overarching responsibilities and priority areas, I have consolidated these.
32. I therefore seek Cabinet agreement that the following elements of the initial scope be confirmed as responsibilities in the final scope I will propose to the Prime Minister:
- 32.1 ensure the Crown meets its Treaty settlement commitments (rearticulating paragraphs 11.2 and 11.4);
- 32.2 develop engagement, co-design and partnering principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development (rearticulating paragraphs 11.1, 11.3 and 12.2);
- 32.3 ensure public sector capability is strengthened (rearticulating paragraph 12.6);
- 32.4 ensure the engagement of public sector agencies with Māori is meaningful (rearticulating paragraph 12.4);
- 32.5 provide an independent cross Government view on the health of Crown/Māori partnerships (rearticulating paragraph 12.3);
- 32.6 provide strategic leadership and advice on contemporary Treaty issues (rearticulating paragraph 12.7);
- 32.7 broker solutions to challenging relationship issues with Māori (rearticulating paragraph 12.1); and
- 32.8 provide strategic advice to the Prime Minister and the Cabinet on the risks and opportunities in Crown/Māori partnerships (rearticulating paragraph 11.5).
33. I have removed 'support Māori capability and capacity to deal with government' from the scope of the portfolio as that work most appropriately sits with the Minister for Māori Development.
34. I acknowledge the review of the State Sector Act 1988 the Minister for State Services is leading and which my officials and I have been heavily involved in. This will go some way to addressing a theme that emerged from the engagement hui that greater accountability is required to ensure Ministers and public sector chief executives and their departments deliver results and lift public sector capability.
35. Table One below sets out the next steps for each of the responsibilities that were in the initial scope of the portfolio and which I propose be confirmed in the final scope.

Table One: Next steps for each responsibility

Responsibility	Next steps
Develop engagement, co-design and partnering principles that ensure agencies generate optimal solutions	<ul style="list-style-type: none">• Develop case studies of partnerships with a focus on best practice principles and undertake regional engagement until November 2018.• Report back to Committee on prototype guidance in December 2018.
Ensure public sector capability is strengthened	<ul style="list-style-type: none">• Develop and test prototype cultural capability module with agencies over September 2018.

Responsibility	Next steps
	<ul style="list-style-type: none"> Report back to Committee on approach to public sector capability (with the Minister for State Services and the Minister for Māori Development) in December 2018.
Ensure the engagement of public sector agencies with Māori is meaningful	<ul style="list-style-type: none"> Officials from the Crown/Māori Relations Unit will run "masterclasses" across the public sector to assist departments to understand the framework and guidelines and give practical guidance on how to engage with Māori. Report back to Committee on prototype guidance and a review process in December 2018.
Provide independent cross Government view on the health of Crown/Māori partnerships	<ul style="list-style-type: none"> Report back to Cabinet Crown/Māori Relations Committee on Indicators in December 2018.
Provide strategic leadership and advice on contemporary Treaty issues	<ul style="list-style-type: none"> Report back to Committee on better co-ordination of contemporary Treaty of Waitangi issues in October 2018. Paper on Kōhanga Reo discussions in November 2018. Report back to Committee on prototype guidance in December 2018.
Broker solutions to challenging relationship issues with Māori	<ul style="list-style-type: none"> Continue scanning the Crown/Māori environment for 'hard issues'.

Sub-section Four: Decisions sought on a new responsibility and new workstream

Coordinating significant Crown/Māori Events

36. In addition to those refined areas agreed in March I seek Cabinet agreement that responsibility for coordinating significant national Crown/Māori events on behalf of the Crown, as required, be added to the final scope I propose to the Prime Minister.
37. I have received overwhelmingly positive feedback on how 'Waitangi Week' was conducted this year. I was told that it is very positive for Ministers to spend quality time engaging with Māori across a much wider spectrum and that it needs to continue.
38. Cabinet approval of this responsibility will mandate this portfolio to oversee the organisation of significant national Crown/Māori events for which there is currently no formal Ministerial mandate or oversight, as required. We have several such events upcoming, including:
 - 38.1 Ratana 100th Anniversary (November 2018); and
 - 38.2 Waitangi 2019 (February 2019).
39. Next steps and actions for this responsibility will be decided on a case-by-case basis as required.
40. **Appendix Two** provides an overview of the work that will be done under each of the responsibilities set out in paragraphs 32 and 36. **Appendix Three** shows the evolution of the responsibilities between the initial scope and the proposed final scope of the portfolio.

Examining constitutional and institutional arrangements over the longer-term

41. Some of the feedback I received on the issue of the constitution said the current constitutional status of Te Tiriti is unsatisfactory and that "constitutional reform would strengthen the Crown/Māori partnership and provide the foundation for the consistent application of policy to support the Crown in meeting its obligations". People told me it is important to include Pākehā in Crown/Māori partnerships and that focussing on weaving stronger connections between Pākehā and Māori would create greater tolerance and understanding.
42. In New Zealand, constitutional arrangements can be broadly described as the rules for how public power is exercised, including the institutional arrangements that support the exercise of public power.
43. Many of the intended responsibilities of the portfolio will contribute to greater recognition of Crown/Māori partnerships, but the quantity of feedback suggests two areas warrant further work:
- 43.1 how our institutions could reflect more modern, forward looking Crown/Māori partnerships. I consider work to examine institutional arrangements supporting Crown/Māori partnerships should take place on a longer timeframe. This work could consider the potential for a Treaty commissioner and the future role of the Waitangi Tribunal as historical Treaty settlements draw to a close over the next few years; and
- 43.2 the place of the Treaty in New Zealand's constitutional arrangements. I am clear that this is a longer-term conversation and is currently a politically difficult one. I do not think it would serve the citizens of New Zealand well to try to jump to a solution on this quickly nor is that solution to immediately entrench the Treaty in our constitution. I would like to look at a range of options that might be publicly acceptable over the medium to long term.

"The most important priority to ensure a peaceful and productive future for all new Zealanders is to progress the discussion – and move towards – Treaty-based constitutional arrangements"
(Individual Submission)

Name and role of portfolio

NAME OF PORTFOLIO

44. An almost universal element of the feedback I received on the portfolio was about the relationship envisaged by the Treaty being more akin to partnerships.
45. I received a number of suggestions for an alternative name for the portfolio – 'Crown/Tangata Whenua Relations', 'Iwi, Māori/Crown Relations', 'Minister of Te Tiriti Crown Māori Partnership', 'Minister for Crown Reconciliation' or 'Minister for Crown Māori Partnership'.

"The very name Crown/Māori Relations is not reflective of that partnership and does not acknowledge our constitutional framework underpinned by Te Tiriti"
(Individual Submission)

46. I propose changing the name of the portfolio simply to 'Crown Māori.' I will seek agreement from the Prime Minister to the change.
47. The name reflects the need for clarity and simplicity in the role of this portfolio to weigh up the needs of each partner and to bring balance to the relationship with an initial focus on making the Crown a better partner.
48. I ruled out portfolio names such as Crown Reconciliation - as this is the role of the Minister for Treaty of Waitangi Negotiations who is aiming to finalise all settlements over the next 3-4 years. I also ruled out Crown Māori Partnership - while this is something that both Māori and the Crown should aspire to, the feedback was clear that we are not at a point of being able to declare that we are there yet.

WHY IS PARTNERSHIP SUCH AN IMPORTANT ASPIRATION?

49. A minority of submitters expressed concern at any description of the relationship as a partnership. They told me that nothing in Te Tiriti, or in the speeches made at the time of the signing, refers to a "partnership" of equals between the Crown and Māori and that "far too many New Zealanders have been indoctrinated in the false notion of "partnership", involving those who arrived earlier having some kind of constitutional preference in our country". Overwhelmingly what I heard through the engagement process though, was the desire of Māori to be active participants in decisions - particularly ones traditionally made solely by government and bureaucrats. They were not seeking a constitutional preference or a separate government. In Hokianga people told me that partnerships are about walking side-by-side in unity and asked how can Māori walk in unity with Pākehā when the Crown and local government make decisions for hapū and manawhenua? The need to focus on moving towards partnerships acknowledges the fact that Māori desire a closer relationship with the Crown and other New Zealanders and not separation from them.
50. Subsequent to Cabinet's consideration of the initial scope of the portfolio the Cabinet Priorities Committee established 12 priority outcomes to help coordinate a cohesive government work programme. The priority outcome assigned to the Cabinet Crown/Māori Relations Committee under the key theme of 'Providing new leadership by government' is to 'build closer partnerships with Māori' [CPC-18-MIN-0001]. The Committee has been asked to have initial oversight for all of the programmes, initiatives and projects within that priority outcome. This demonstrates our commitment to reaching the aspirational state of partnership.
51. The Waitangi Tribunal had much to say about the nature of the relationship in its forward-looking Wai 262 report, for example:
- Partnership is New Zealand's framework because of our history since 1840 and the important role Māori play in contemporary national life. There is no sign that this role will diminish. On the contrary, the signs are that it will grow and the partnership framework will endure. It is evolving as New Zealand evolves. There are signs it is changing from the familiar late-twentieth century partnership built on the notion that the perpetrator's successor must pay the victim's successor for the original colonial sin, into a *twenty-first century relationship of mutual advantage in which, through joint and agreed action, both sides end up better off than they were before they started.*
52. I like the view that partnerships require an acceptance of shared responsibility through the Crown bringing its support to the table and Māori their motivation. The move from reconciliation to partnerships will be the key focus of my portfolio and my

agency. I need your assistance to make this aspirational state a reality and look forward to the progress we will make towards it.

THE ROLE OF THE MINISTER

53. I propose that the Crown Māori Minister provide strategic leadership in the government so that the Crown is a partner that is open, fair and helpful. An important element of fulfilling this role is that the Minister should act in the interests of Crown/Māori partnerships.
54. Acting in the interests of Crown/Māori partnerships requires striking a balance between the interests of the Crown and the interests of Māori. I will exercise this function by providing strategic advice to the Prime Minister and Cabinet on the risks and opportunities in Crown/Māori partnerships.

Making the Crown a better Treaty partner

FEEDBACK RECEIVED ON THE PLACEMENT OF THE PORTFOLIO IN THE PUBLIC SERVICE

55. People across the country discussed the placement of the portfolio within the public service and the support it receives. Some people thought the unit supporting the portfolio should not sit within the Ministry of Justice and said confining discussions within a Ministry of Justice lens is limiting. One suggestion was that the portfolio should sit within the Department of Prime Minister and Cabinet, with secondary support from Te Puni Kōkiri. I received strong feedback that the portfolio needs its own agency; many people were convinced that giving Crown/Māori partnerships proper standing requires it to have mana. People expressed concerns about whether the portfolio can transform the way government operates if it is within an existing organisation.
56. Other submitters assumed a separate Ministry had already been established and had suggestions for how it could lead government agencies in better understanding of and providing for the relationships of Māori with whenua and resources. People were concerned that the portfolio should be properly resourced.
57. Having the work proposed for the portfolio carried out by the Ministry of Justice is not ideal for several reasons. The continued association of Māori and "Māori issues" with the justice system blurs the understanding and status of the new portfolio. Many Māori who made submissions on the portfolio expressed concerns or objections to this association. Retaining the proposed functions as a unit within the Ministry of Justice (or any department for that matter) would challenge my ability to achieve the "cut through" we need to elevate the relationship.

"There is concern at this portfolio sitting within the ministry of justice given the negative implications associated with the relationship of the ministry to the Courts and ultimately the prison system"

(Hui with Māori Womens Welfare League,
13 March)

THE OPPORTUNITY TO CONSOLIDATE FUNCTIONS OF GOVERNMENT

58. In light of the above feedback and my experience as Minister over the last 11 months, I have considered whether the functions I propose should continue to be carried out by the Ministry of Justice, moved to another agency or whether a new agency should be established for the purpose.

59. Upon the creation of the portfolio the Ministry of Justice established a unit to support the work of the portfolio. That unit sits beside the Office of Treaty Settlements (OTS), the Post Settlement Commitments Unit (PSCU) and the Marine and Coastal Area Team at the Ministry. These units have become, over time, important symbols to Māori that there is a commitment, understanding and focus on the relationship. They are by no means the only agencies who influence the Crown/Māori relationship but they have become the focal point for Māori for facilitating relationships with the wider Crown/government, being able to navigate government and its complex systems and a place to raise issues in the relationship and be assured that action will be taken (even if that action is raising the issue with the Department concerned).
60. The depth of knowledge of each group's history and future aspirations, the relationships formed with Māori and the capability to grapple with complex policy issues in the context of Crown/Māori partnerships that these units have is not held within any other government department. We need to give greater focus, coherence and prominence to these functions. These units and their work have been subject to a high level of scrutiny by Māori nationally, the courts and the Waitangi Tribunal and the media. I think this level of scrutiny has made them better over time; their work will continue to be subject to it.
61. In four years' time, the historical Treaty settlement process will be concluded – something every New Zealander should celebrate. Without careful transition through post settlement and into the kind of partnerships that the portfolio was set up to drive there is a significant risk that Māori will have nowhere to go when they want to address the relationship. The knowledge and experience gained through Treaty settlements will be lost to the public sector and the focus on the relationship that so many Māori seek will not be evident.
62. There are many who will say 'let agencies manage it themselves'. To be frank, the public sector is not yet ready to manage the Treaty relationship, let alone become partners to Māori. Some agencies don't understand the basic nature of that relationship and what it means for the way they think and act every day– Māori told us very clearly through the engagement process that the public sector lacks capability. Agencies are struggling to meet their basic settlement commitments and we are already in danger of undermining a number of the settlements that have been negotiated over the last 25 years because of inaction or lack of knowledge/capability or capacity.
63. You cannot move from resolving 178 year old grievances between two partners to relationship nirvana without resolve, focus and capability to manage that transition properly. Simply expecting Māori to 'get on with things' now that their historical Treaty settlements are finished is unrealistic and having a public sector unaware of its obligations as a Treaty partner will not set us up for the kind of economic, social and environmental success we are aiming for.
64. Cabinet has already noted the work programme for the completion of Treaty settlements and will shortly consider this paper as well as the Marine and Coastal Area work programme. The common theme through the functions and work programmes of OTS, PSCU, the Marine and Coastal Area Team and the Crown/Māori Relations Unit is that the Crown/Māori relationship is a core focus of each. On that basis we have an opportunity to consolidate some of the functions of government that support the Crown/Māori relationship and demonstrate to Māori that the Crown values and is committed to that relationship.

65. An office that has a separate identity from the Ministry of Justice but retains the knowledge held by these units is essential, in my view, to achieve the authority to effect the change we need to realise the benefits of it for all New Zealanders. Achieving the change we seek is not a three-year job. The changes demanded of the system by each of the responsibilities I propose requires the entity supporting Ministers and doing the work to have appropriate status and capability. It will also be fundamental to the impact and long-term success of the proposed office that, notwithstanding the final form, it be accountable directly to Ministers for strategy and policy setting advice.
66. An office that acts in the best interests of the Crown/Māori relationship would send a signal to Māori (and the public service) about how serious this Government is about this special relationship. It would also be an active demonstration of the commitment we gave at Waitangi in February.

THE FUNCTIONS OF THE CROWN MĀORI OFFICE

67. The key purpose of the office would be to enable and support the Crown to act fairly as a Treaty partner.
68. I propose no change to the functions and Ministerial reporting lines of OTS, the Marine and Coastal Area team and PSCU but as Treaty settlements wind up the expertise gained in Treaty settlements over the years will be carried through to other parts of the office to support the renewed relationship.
69. The key responsibilities of the office would be to provide strategic leadership to the public sector by:
- 69.1 ensuring the Crown meets its Treaty settlement commitments;
 - 69.2 developing engagement, co-design and partnering principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development;
 - 69.3 ensuring public sector capability is strengthened;
 - 69.4 ensuring the engagement of public sector agencies with Māori is meaningful;
 - 69.5 providing an independent cross Government view on the health of the Crown/Māori relationship;
 - 69.6 providing strategic leadership and advice on contemporary Treaty issues;
 - 69.7 brokering solutions to challenging relationship issues with Māori;
 - 69.8 coordinating significant Crown/Māori events on behalf of the Crown;
 - 69.9 providing strategic advice to the Crown Māori Minister on the risks and opportunities in Crown/Māori partnerships;
 - 69.10 providing advice to the Crown Māori Minister on any other matter for which the Minister has a portfolio interest, such as work on the constitutional and institutional arrangements supporting Crown/Māori;

- 69.11 completing Treaty Settlements under the leadership of the Minister for Treaty of Waitangi Negotiations; and
- 69.12 administering the Marine and Coastal Area (Takutai Moana) Act 2011 under the leadership of the Minister responsible for applications under the Act.

THE COMPLEMENTARITY OF THE PROPOSED OFFICE WITH EXISTING DEPARTMENTS

70. While the work proposed is not being carried out by, and will have a different focus from, other agencies it is important that the office fits and works well with other agencies to achieve results. The office should complement good work being done already and add value where improvement is needed. It cannot be seen to do things for other agencies at the expense of those agencies gaining necessary capability.
71. A good example of the complementarity of the proposed functions with those of existing departments is the work Te Puni Kōkiri does to build Māori capability through the policies and operational funds they administer, and the work to be undertaken by the Crown Māori officials and the State Services Commission to lift public sector capability to engage with Māori. Two strong and capable Treaty partners will bode well for us socially, economically, environmentally and culturally.
72. Other areas of complementarity between Te Puni Kōkiri and the proposed office are set out in **Appendix Four**.

WHAT FORM OF AGENCY IS RIGHT?

73. As many Māori told me through the engagement process the continued association of Māori and "Māori issues" with the justice system is not acceptable. I have considered options for the form of the office. I have ruled out the status quo (i.e. leaving responsibility for the proposed responsibilities with a unit within the Ministry of Justice) and the most costly of other options.
74. For example, I considered the establishment of a new central agency, or a new standalone Ministry. Both options would take a long time and be fiscally costly. The costs and disruption of moving the functions related to this portfolio entirely out of the Ministry of Justice would outweigh the benefits we are trying to achieve immediately.
75. While the benefits can be achieved, to a greater or lesser extent, by one of the following two options – a Branded Business Unit within the Ministry of Justice (**BBU**) or a Departmental Agency hosted by an existing agency (**DA**) (discussed further below) – my recommendation is for the Crown Māori Office to be a Departmental Agency hosted by the Ministry of Justice.
76. A BBU (e.g. like the Ministry for Youth, Ministry of Tourism and Office of Disability Issues) could achieve some of the aims of the proposed responsibilities without actually taking the functions outside the Ministry of Justice by:
- 76.1 creating a greater perception of independence;
 - 76.2 having a separate public identity; and
 - 76.3 having a Director.
77. Setting up a DA hosted by an existing agency under Schedule 1A of the State Sector Act (SSA) would achieve more of the aims of the proposed responsibilities by:

- 77.1 creating an entity independent of an existing agency; and
- 77.2 having its own Chief Executive appointed by the State Services Commissioner.
78. The State Services Commission has advised that the activities best suited to the DA model:
- 78.1 are readily identifiable and measurable, and therefore lend themselves to ring-fenced, transparent funding and reporting arrangements;
- 78.2 are cohesive and/or fall within a clearly defined area;
- 78.3 have relatively stable policy settings;
- 78.4 have low levels of operational connection with other functions of the host department;
- 78.5 are carried out by clearly identifiable staff (employees or secondees) who come within the employer responsibilities of the departmental agency's chief executive; and
- 78.6 are activities where the nature of the substantive functions warrant the appointment of a Public Service chief executive.
79. The chief executives of a host department and DA are each directly responsible to their own Minister for an autonomous range of functions, duties and powers, with distinct reporting.
80. Establishing a DA requires an Order in Council to name it and its host department in Schedule 1A of the SSA. The only current example of a DA is the Social Investment Agency hosted by the State Services Commission.
81. A key consideration in the establishment of a DA is which existing agency is the most appropriate agency to host it. I have considered the following agencies as potential hosts of a DA:
- 81.1 Te Puni Kōkiri;
- 81.2 The Treasury;
- 81.3 State Services Commission;
- 81.4 Department of Prime Minister and Cabinet; and
- 81.5 the Ministry of Justice.
82. Each of these options has pros and cons. All would enable the office to have a degree of independence required to undertake its functions but would not solve the problem of the function being lost amongst the existing priorities and issues that those departments are facing. I do not want to distract from other government priorities.
83. On balance, if a DA is established, I propose it be hosted by the Ministry of Justice as this will be the most cost-effective approach and allow us to move quickly to the new model.

84. Transferring the responsibilities to Te Puni Kōkiri in particular would also, in my view, create confusion about the respective roles of Te Puni Kōkiri and the Crown Māori Office.
85. Drawing together existing functions via a DA will mean less cost in the short to medium term and allow us to test the option in the first instance. Doing so will also provide the system with much needed surge capacity to assist agencies to solve immediate problems, while ensuring agencies improve their own capability as well. This also aligns with the proposals to change the SSA due for public consultation.
86. I also propose that we remain open to the possibility of the office picking up additional responsibilities as appropriate and as agreed by relevant Ministers and departments. **Appendix Three** lists the proposed responsibilities of the office alongside those of the Crown Māori Minister.
87. I seek Cabinet agreement;
- 87.1 in principle, subject to due diligence, to the establishment of the Crown Māori Office as a Departmental Agency to be hosted by the Ministry of Justice in early 2019;
- 87.2 that I direct the Secretary for Justice to undertake the due diligence required to establish the Crown Māori Office as a Departmental Agency to be hosted by the Ministry of Justice; and
- 87.3 to invite me to:
- 87.3.1 consult with the Prime Minister, Minister of Finance, Minister for State Services, the Minister of Justice, the Minister for Treaty of Waitangi Negotiations, the Minister for Māori Development on the establishment of the Crown Māori Office as a Departmental Agency to be hosted by the Ministry of Justice; and
- 87.3.2 report back to Cabinet in November 2018 to seek decisions required to establish a Departmental Agency to be hosted by the Ministry of Justice, taking into account any matters raised by the due diligence process.

Sub-section Five: "Getting the relationship right requires the Crown to be consistent" (Engagement Framework)

Why should government engage with Māori?

88. In March I told Cabinet that we needed to establish a framework, underpinned by a statement of the Crown's intent for the Crown/Māori relationship and a set of values, to guide Ministers and public-sector agencies engagement with Māori.
89. A great deal of the feedback I received focussed on how the Crown should engage with Māori when making decisions. Many of those working for the Crown, and many New Zealanders, might ask the questions why should the government engage with Māori and what is wrong with the current methods of engagement? Again, the Wai 262 Tribunal has sage words of advice for us on this. It said a 'do-more-of-the-same' choice is simply untenable and that:

“unless it is accepted that New Zealand has two founding cultures, not one; unless Māori culture and identity are valued in everything government says and does; and unless they are welcomed into the very centre of the way we do things in this country, nothing will change. Māori will continue to be perceived, and know they are perceived, as an alien and resented minority, a problem to be managed with a seemingly endless stream of taxpayer-funded programmes, but never solved.”

90. Effective engagement with Māori is a key component to produce better quality outcomes and strengthen Crown/Māori partnerships. It should be based on developing ongoing and effective relationships.

How should government engage with Māori?

91. People told me existing frameworks “challenge our ability to assert our Rangatiratanga and the Crown’s ability, to work with us, to fulfil [its] responsibilities under Te Tiriti legislation, and our Deed of Settlement”. They also told me that “part of getting the relationship right is ensuring consistency by the Crown, in all its faces, with Māori”. Māori very strongly feel that they are “not just another ethnic minority”; the unique status of Māori as tangata whenua must be reflected in how the Government engages with Māori.

92. It is vital that the engagement framework is of practical use to agencies. Government has thought about how it engages with Māori before. There has been no shortage of guidance documents produced over the years that have had the good intention of guiding best practice in engaging with Māori. None of them, however, have produced the desired effect across the public sector. This is different because the framework and guidelines will be reinforced through the Crown/Māori Relations Unit supporting increased public-sector capability, and performing an ongoing assurance role to get it right.

“Despite it being [a] statutory obligation for Crown and local government entities to engage, support and consult with Māori, the process itself is just a box-ticking exercise”

(Individual Submission)

93. **Appendix Five** is the proposed engagement framework.
94. The framework builds on the interim engagement approach approved by Cabinet in March, and has been developed following a review of a range of literature and previously developed work. What is notably different about this framework is that it has been materially informed by reviewing the current landscape as well as what I heard from the people throughout the engagement process. The engagement process provided me with insight into a number of areas where intentional improvements could strengthen Crown/Māori engagement and partnerships. It is important to note that good engagement is a means to an end (not the end itself) and should be supported by good data and analysis.
95. I have been told about the lack of capability in the public sector in Māori engagement, institutional racism and unconscious bias. People told me there is a need for a sea change in the way the public service engages with Māori.
96. I want public servants to have tools that will help them do a better job of engaging with Māori. Government processes, and outcomes for all New Zealanders, will be

improved with a more capable public sector. The engagement framework has been designed with its intended users in mind and tested with a focus group of officials.

97. An aspect of public sector engagement with Māori that clearly came through what people were telling me was that the engagement needs to be flexible and “fit for purpose”. Deciding what engagement is appropriate on a particular issue must be guided by the key questions about what is the issue, what is the impact on Māori and who among Māoridom should be engaged. People told me there need to be opportunities for hapū engagement on matters relevant to hapū.
98. Engagement cannot be an afterthought or a “tick-the-box” exercise. People told me that embedding policies that prescribe engagement at the beginning of any initiative will ensure full involvement rather than retrospective involvement.
99. Since Cabinet approved the interim engagement approach in March, my officials have been reviewing agencies’ engagement approaches to ensure the principles of effective engagement have been applied and the processes are broad and inclusive. To date they have reviewed more than 35 engagement approaches spanning 16 agencies. It is my intention that my officials will continue to provide an assurance role and develop a review process to understand if the framework is assisting to produce effective engagement with Māori. My officials will also provide further targeted advice, tools and support to assist agencies. Te Puni Kōkiri are also playing a complimentary role in reviewing some engagement strategies with a particular focus on implementation within the regions.

Guidelines for agency use in engaging with Māori

100. The guidelines to accompany the engagement framework are attached as **Appendix Six**.
101. Engagement with Māori needs to be based on developing effective working and ongoing relationships. These relationships are based on positive experiences, trust and confidence. An effective, efficient and inclusive engagement process should reflect how Māori perspectives and cultural values have been included. Throughout the development of their engagement processes agencies should be guided by the following principles: engage early, be inclusive, think broadly.
102. The guidelines attempt to provide departments with immediate, practicable and implementable advice on how to engage with Māori. We recognise in some instances further detail or context will be developed to assist departments in applying the guidelines - for example greater clarification on the “who” and the “how” of engagement or what is meant by open-ended terms like “audience” and “impact”.
103. The engagement framework and guidelines are available for immediate use. They are intended to be living documents which may be revised over time to align with developing best practice.
104. During engagement with government agencies on the framework and guidelines it became clear that some support and additional resource was going to be needed with the release of the framework and guidelines. The State Services Commission has suggested that officials from the Crown/Māori Relations Unit run “masterclasses” across the public sector to assist departments to understand the framework and guidelines and give practical guidance on how to engage with Māori. These sessions will provide attendees with advice on how to run a successful engagement with Māori.

105. Officials from the Crown/Māori Relations Unit will support agencies to effectively utilise the engagement framework. This will include developing tools and other supporting material to enhance both the framework and guidelines, exemplar material (what good looks like) and usable process maps for key tasks and engagement tools (e.g. application of the impact tool specific to different context and environmental conditions). Officials from the Crown/Māori Relations Unit will also develop a process to review the implementation of the engagement framework.

How does the Iwi Chairs Forum fit within the framework?

106. I expect people to ask how the Iwi Chairs Forum (the **Forum**) fits within the new engagement framework. You can see from the engagement framework that depending on what the issue is and its impact on Māori it will be entirely appropriate to engage the Iwi Leaders Forum on matters, particularly if the issue requires national level engagement (although I note that not all iwi are represented at the Forum).

"The Crown's responsibilities are to all Māori, not just iwi leaders."
(Waitara hui, 5 May)

107. As many Māori reminded me across the country, however, the Crown's responsibilities are to all Māori, not just the Forum. The engagement framework has been crafted to assist agencies to decide if and when the expertise represented by the Forum is appropriate to include in an engagement process.
108. The type of relationship being sought by the Forum appears to be one where the government recognises the Forum as a Treaty partner with equal decision-making rights. While it is clear that the Crown should look to iwi and hapū as its Treaty partner, I do not think this applies to the Forum as an institution but rather to their members.
109. From an engagement perspective, this means that where the priorities of the Forum and the Government align, working as partners makes sense. The Forum should be invited to engage on key matters. If the Forum decline to participate Ministers will still be able to utilise the Forum to test early policy thinking or implementation issues as appropriate. Where they accept the invitation to engage, the form of partnerships will differ from issue to issue. The Crown should avoid contracts for these engagements unless other experts have the opportunity to be, or are being, contracted for the same. Meeting reasonable costs for engagement or costs for services/expertise should be at the discretion of agencies.
110. If longer-term contractual arrangements are being contemplated, they should be discussed and agreed by the Cabinet Crown/Māori Relations Committee or we risk being in the same position as the last government with a number of contractual arrangements across the Crown.
111. Otherwise the Forum should continue to be an important engagement point in relation to national level policy issues or where their quarterly hui provide an opportunity for the Forum to share ideas with the government or for the government to share ideas with the Forum on issues of mutual interest. Engagement with individual iwi, or groups thereof, should continue as normal.

Consultation

112. The following departments were consulted on this paper: State Services Commission, The Treasury, Te Puni Kōkiri, the Crown Law Office, Ministry for the

Environment, Oranga Tamariki, Ministry for Business, Innovation and Employment, Ministry for Culture and Heritage, Department of Internal Affairs, Ministry of Health, Ministry for Women, Ministry for Primary Industries, Department of Conservation, New Zealand Police, Ministry for Social Development, Ministry of Education, Land Information New Zealand, Statistics New Zealand, the Social Investment Agency and the Ministry of Justice. The Department of the Prime Minister and Cabinet was informed.

Financial Implications

Implications of establishing the office

113. The Ministry of Justice received funding of \$3.050 million in Budget 2018 to support the Minister for Crown/Māori Relations in establishing a work programme for the Crown/Māori Relations portfolio in 2018/19 only.
114. The cost of establishing the Crown Māori Office will be managed within Vote Justice and/or Vote Treaty current year baselines and, therefore, will not have any financial implications for the between budget contingency.
115. I seek Cabinet agreement to direct officials to prepare a business case for consideration by Cabinet in November 2018 that provides costs and the financial implications of implementing the Crown Māori portfolio and establishing the Crown Māori Office as a Departmental Agency hosted by the Ministry of Justice.
116. No funding for the ongoing operating costs associated with the Crown Māori Office from 2019/20 onwards has been identified. A new funding bid for the Crown Māori portfolio's ongoing costs will be submitted as part of Budget 19.

Human Rights

117. No human rights implications arise as a result of this paper.

Legislative Implications

118. This paper has no legislative implications.

Publicity

119. If Cabinet agrees to the recommendations in this paper, and the Prime Minister approves the final scope of the portfolio, I intend to publish this paper on the Ministry of Justice website. I want the people who made submissions and attended the hui to be able to see for themselves that I have listened to their feedback.
120. I propose that the Prime Minister announce, or launch, the engagement framework at a post-Cabinet press conference.

Next steps

121. Following Cabinet consideration of this paper I will write to the Prime Minister seeking approval to change the name of the portfolio from 'Crown/Māori Relations' to 'Crown Māori' and its final scope.
122. Subject to Cabinet approval of the final scope of the portfolio, I will report back to Cabinet:

- 122.1 in October 2018 on better coordination of contemporary Treaty of Waitangi issues;
- 122.2 in November 2018 on:
- 122.2.1 decisions required to establish a Departmental Agency to be hosted by the Ministry of Justice; and
 - 122.2.2 Kōhanga Reo discussions; and
- 122.3 in December 2018 on indicators to measure the health of the Crown/Māori relationship, an approach to public sector capability, prototype guidance and review processes (with the Minister for State Services and the Minister for Māori Development).
123. I propose to direct the Secretary for Justice to undertake due diligence to establish the Crown Māori Office as a Departmental Agency to be hosted by the Ministry of Justice including:
- 123.1 corporate governance and functions to establish the proposed office consistent with the protocols for change in the machinery of government;
 - 123.2 a new vote/s and/or a new appropriation/s for the responsible Ministers;
 - 123.3 the on-going costs of the proposed office including: information communications technology; financial management; and facility management; and
 - 123.4 memoranda of understanding including service levels for any shared services with the Ministry of Justice.

Recommendations

124. The Minister for Crown/Māori Relations recommends that the Committee:
- 1. note that Cabinet approved the responsibilities and priority areas of the initial scope of the Crown/Māori Relations portfolio in March 2018 [CAB-18-MIN-0078 Minute];
 - 2. note that the Minister for Crown/Māori Relations sought public submissions and undertook an engagement process on the initial scope of the portfolio between March and June 2018 and a summary of the submissions received will be publicly available on the Ministry of Justice website shortly;

Portfolio name

- 3. note that the Minister for Crown/Māori Relations will seek agreement from the Prime Minister to change the name of the portfolio from 'Crown/Māori Relations' to 'Crown Māori';

Final scope of the Crown/Māori Relations portfolio

4. agree that the Minister for Crown/Māori Relations seek agreement from the Prime Minister that the responsibilities under the final scope of the Crown/Māori Relations portfolio be to:
- 4.1 ensure the Crown meets its Treaty settlement commitments;
 - 4.2 develop engagement, co-design and partnering principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development;
 - 4.3 ensure public sector capability is strengthened;
 - 4.4 ensure the engagement of public sector agencies with Māori is meaningful;
 - 4.5 provide an independent cross Government view on the health of the Crown/Māori relationship;
 - 4.6 provide strategic leadership and advice on contemporary Treaty issues;
 - 4.7 broker solutions to challenging relationship issues with Māori;
 - 4.8 coordinate significant Crown/Māori events on behalf of the Crown; and
 - 4.9 provide strategic advice to the Prime Minister and the Cabinet on the risks and opportunities in Crown/Māori partnerships;

Crown Māori Office

5. note a strong element of the feedback received on the initial scope of the portfolio was that the Minister and Crown/Māori partnerships deserve to be served by an agency with mana and not be buried within an existing agency;
6. agree, in principle, to the establishment of the Crown Māori Office as a Departmental Agency to be hosted by the Ministry of Justice;
7. invite the Minister for Crown/Māori Relations to:
- 7.1 consult with the Prime Minister, Minister of Finance, Minister for State Services, the Minister of Justice, the Minister for Treaty of Waitangi Negotiations, the Minister for Māori Development on the establishment of the Crown Māori Office as a Departmental Agency to be hosted by the Ministry of Justice; and
 - 7.2 report back to Cabinet in October or November 2018 with a business case and to seek decisions required to establish a Departmental Agency to be hosted by the Ministry of Justice, taking into account any matters raised by the due diligence process;
8. note that the proposed functions of the office, upon establishment, will be to:
- 8.1 advise the Crown Māori Minister on:

- 8.1.1 ensuring the Crown meets its Treaty settlement commitments;
- 8.1.2 developing engagement, co-design and partnering principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development;
- 8.1.3 ensuring public sector capability is strengthened;
- 8.1.4 ensuring the engagement of public sector agencies with Māori is meaningful;
- 8.1.5 provide an independent across Government view on the health of Crown/Māori partnerships;
- 8.1.6 provide strategic leadership and advice on contemporary Treaty issues;
- 8.1.7 brokering solutions to challenging relationship issues with Māori;
- 8.1.8 coordinating significant Crown/Māori events on behalf of the Crown;
- 8.1.9 providing strategic advice on the risks and opportunities in the Crown/Māori relationship; and
- 8.1.10 any other matter for which the Minister has a portfolio interest, such as work on the constitutional and institutional arrangements supporting partnerships between the Crown and Māori;
- 8.2 advise the Minister for Treaty of Waitangi Negotiations on completing historical Treaty Settlements; and
- 8.3 advise the Minister responsible for applications under the Marine and Coastal Area (Takutai Moana) Act 2011 on administering the Marine and Coastal Area (Takutai Moana) Act 2011;
9. agree that the Minister for Crown/Māori Relations direct the Secretary for Justice to undertake the due diligence required to establish the Crown Māori Office as a Departmental Agency to be hosted by the Ministry of Justice;
10. note that the due diligence will include consideration of:
- 10.1 corporate governance and functions to establish the proposed office consistent with the protocols for change in the machinery of government;
- 10.2 a new vote/s and/or a new appropriation/s for the responsible Ministers;

- 10.3 the on-going costs of the proposed office including: information communications technology; financial management; and facility management; and
- 10.4 memoranda of understanding including service levels for any shared services with the Ministry of Justice;
- 11. note the Minister for Crown/Māori Relations intends to publish this paper on the Ministry of Justice website;

RELEASED BY THE MINISTER FOR MĀORI CROWN RELATIONS: TE ARAWHITI

Next steps for Cabinet report backs on work under proposed responsibilities

12. note that, subject to Cabinet approval of the final scope of the portfolio, the Minister for Crown/Māori Relations will report back to Cabinet:
 - 12.1 in October 2018 on better coordination of contemporary Treaty of Waitangi issues;
 - 12.2 in October or November 2018 on:
 - 12.2.1 decisions required to establish a Departmental Agency to be hosted by the Ministry of Justice;
 - 12.2.2 Kōhanga Reo discussions; and
 - 12.3 in December 2018 on; indicators to measure the health of Crown/Māori partnerships; an approach to public sector capability, prototype guidance and review processes (with the Minister for State Services and the Minister for Māori Development);

Crown/Māori Engagement Framework

13. note that the engagement framework and guidelines build on the interim engagement approach approved by Cabinet in March and are intended to provide practical advice on how to engage with Māori;
14. agree that the engagement framework and guidelines be available for immediate use;
15. agree that Crown/Māori Relations officials will: continue to provide an assurance role, provide further targeted advice, tools and support to assist Government to better engage with Māori on matters of importance and develop a process to review the implementation of the engagement framework;
16. agree that the Prime Minister announce, or launch, the engagement framework at a post-Cabinet press conference;

Financial implications

17. note that the Ministry of Justice received one year of funding of \$3.050 million in Budget 2018 to support the Minister for Crown/Māori Relations in establishing a work programme for the Crown/Māori Relations portfolio in 2018/19;
18. note that the cost of establishing the Crown Māori Office as a Departmental Agency to be hosted by the Ministry of Justice will be managed within Vote Justice and Vote Treaty 2018/19 baselines and therefore will not have any financial implications for the between budget contingency;
19. direct officials to prepare a business case for consideration by Cabinet in November 2018 that outlines costs and the financial implications of implementing the Crown Māori portfolio and establishing the Crown Māori Office as a Departmental Agency hosted by the Ministry of Justice; and

20. note that, subject to Cabinet approval of a business case, funding for the resourcing of the Crown Māori portfolio and a Crown Māori Office as a Departmental Agency to be hosted by the Ministry of Justice for 2019/20 and out-years will be sought through Budget 2019.

Authorised for lodgement

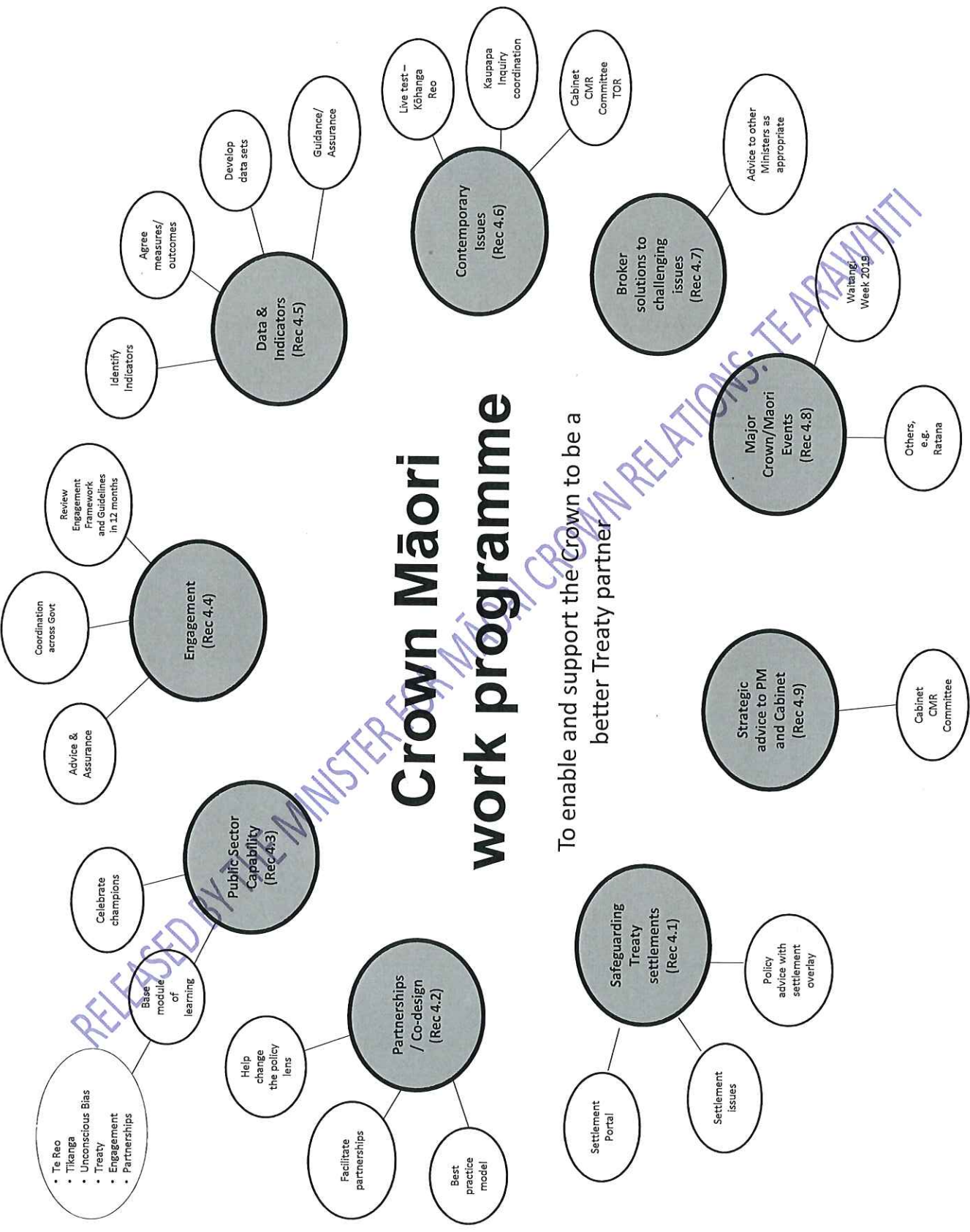
Hon Kelvin Davis
Minister for Crown/Māori Relations

RELEASED BY THE MINISTER FOR MĀORI CROWN RELATIONS: TE ARAWHITI

Appendix One: High-level themes communicated to Ministers

Theme	What people told the Minister
Name of portfolio and placement in the public service	<ul style="list-style-type: none"> • There is a lot of support for the establishment of the portfolio, however, many hui attendees were said that the portfolio: <ul style="list-style-type: none"> ○ should have the right level of influence across government; ○ be properly resourced; and ○ requires a standalone Ministry. • Many people said the name of the portfolio needs to reference the Treaty partnership more clearly.
Local government	<ul style="list-style-type: none"> • There is inadequate Māori representation. • Limited capability within councils to work with Māori in a meaningful way. • Māori want: <ul style="list-style-type: none"> ○ to be at the decision-making table; and ○ to co-design processes (not to be consulted on documents that have been nearly fully developed).
State Sector capability	<ul style="list-style-type: none"> • Public sector seen as barriers and lacking ability to deal with Māori. • Māori want: <ul style="list-style-type: none"> ○ to be dealt with fairly and with understanding; ○ for public sector to know about the Treaty, and what the Crown/Māori relationship means for their organisation and their behaviour; and ○ for public sector to join up when dealing with their community.
Engagement with Māori	<ul style="list-style-type: none"> • Constantly being asked to rubber stamp things late in the process and not told the full story • Want Government to speak to other people, whānau, hapū as well as Iwi Chairs. • Māori want: <ul style="list-style-type: none"> ○ A consistent approach to engagement; ○ to co-design policy and processes (not to be consulted on documents that have been nearly fully developed), and ○ services to be developed that are responsive to Māori needs/aspirations; and ○ For public sector to be joined up rather than having different hui every week.
NZ history / reo education	<ul style="list-style-type: none"> • Tamariki and all New Zealanders should be taught New Zealand history. • Every child should have access to te reo education.
Regional Economic Development	<ul style="list-style-type: none"> • Māori are seeking to be recognised as partners in economic development in the regions • Want help building their own capability to engage better with Government.
Constitutional Reform	<ul style="list-style-type: none"> • The Crown needs to fully acknowledge, and give effect to the Treaty/ Te Tiriti and He Whakaputanga. • The Treaty needs to be given prominence in the New Zealand constitution • The Crown/Māori Relations portfolio should be based on Treaty.
Treaty settlements	<ul style="list-style-type: none"> • Some groups are concerned about how their Treaty settlements are being implemented with Crown not honouring promises. • Some people are concerned about the process and/or progress of the negotiations of their iwi.

Appendix Two: Crown Māori work programme

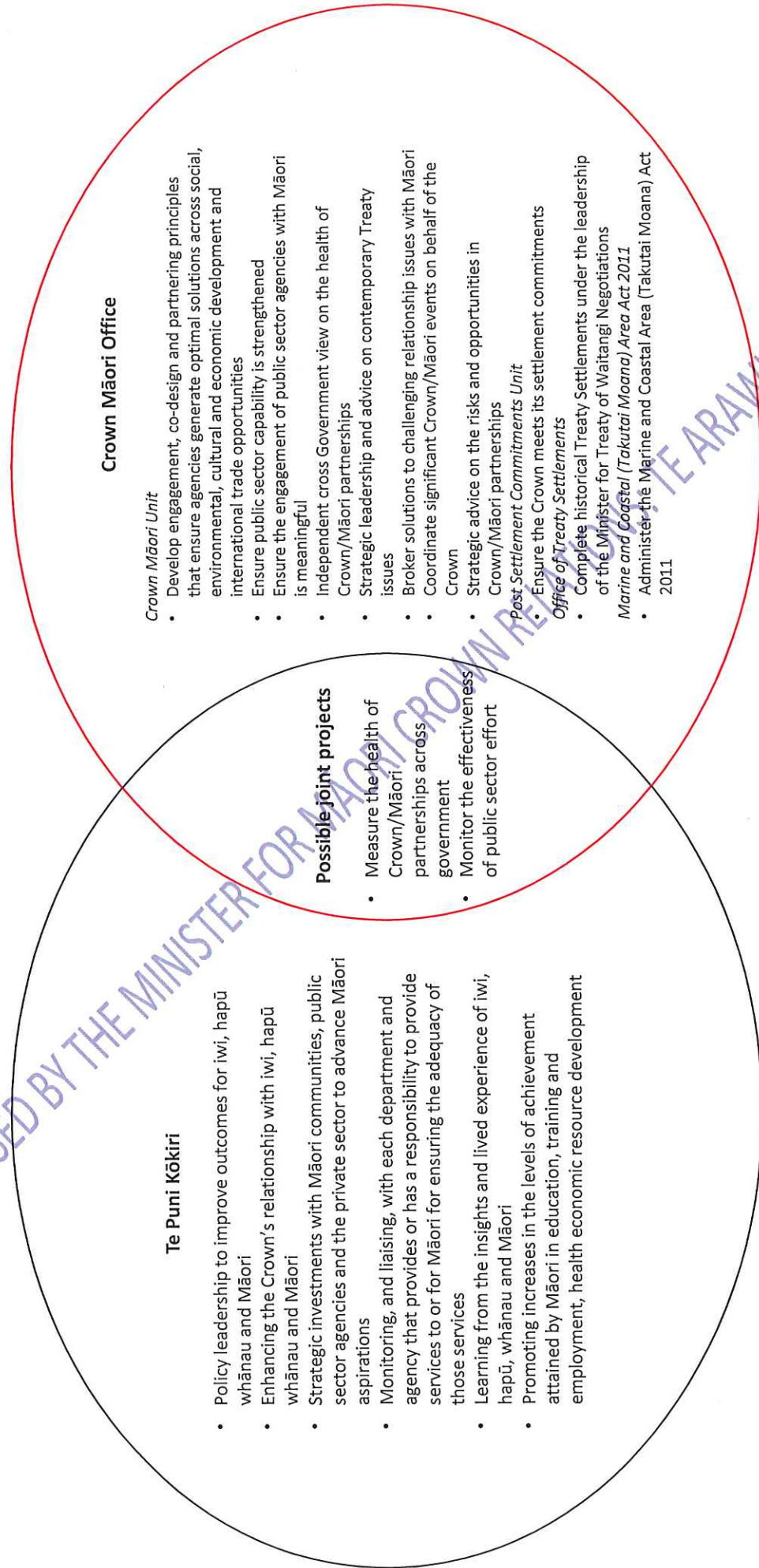


- Projects for joint action with Te Puni Kōkiri
- Measuring the health of Crown/Māori partnerships across government
 - Monitoring the effectiveness of public sector effort

Appendix Three: Initial scope and proposed final scope of portfolio

INITIAL SCOPE	PROPOSED FINAL SCOPE	Proposed consolidated responsibilities for Crown Māori Office
<p>Responsibilities under initial scope</p> <p>1. The responsibilities were to:</p> <p>1.1 look for and facilitate partnership opportunities with Māori (including beyond those established by Treaty settlements);</p> <p>1.2 build the Crown's understanding and honouring of its Treaty obligations;</p> <p>1.3 increase opportunities for and quality of Crown/Māori engagement on important issues and promote good practice;</p> <p>1.4 ensure Treaty settlement commitments are met to maintain trust and confidence; and</p> <p>1.5 provide strategic advice to the Prime Minister and Cabinet on the risks and opportunities in the Crown/Māori relationship.</p>	<p>Proposed responsibilities for Crown Māori Minister</p> <p>3. The key responsibilities of the Minister would be to:</p> <p>3.1 ensure the Crown meets its settlement commitments;</p> <p>3.2 develop engagement, co-design and partnering principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development;</p> <p>3.3 ensure public sector capability is strengthened;</p> <p>3.4 ensure the engagement of public sector agencies with Māori is meaningful;</p> <p>3.5 provide independent cross Government view on the health of Crown/Māori partnerships;</p> <p>3.6 provide strategic leadership and advice on contemporary Treaty issues;</p> <p>3.7 broker solutions to challenging relationship issues with Māori;</p> <p>3.8 coordinate significant Crown/Māori events on behalf of the Crown;</p> <p>3.9 provide strategic advice to the Prime Minister and Cabinet on the risks and opportunities in the Crown/Māori relationship.</p>	<p>4. The key responsibilities of the new agency would be to:</p> <p><i>Advise the Crown Māori Minister on</i></p> <p>4.1 ensure the Crown meets its settlement commitments;</p> <p>4.2 develop engagement, co-design and partnering principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development;</p> <p>4.3 ensure public sector capability is strengthened;</p> <p>4.4 ensure the engagement of public sector agencies with Māori is meaningful;</p> <p>4.5 provide independent cross Government view on the health of Crown/Māori partnerships;</p> <p>4.6 provide strategic leadership and advice on contemporary Treaty issues;</p> <p>4.7 broker solutions to challenging relationship issues with Māori;</p> <p>4.8 coordinate significant Crown/Māori events on behalf of the Crown;</p> <p>4.9 providing strategic advice to the Crown Māori Minister on the risks and opportunities in Crown/Māori partnerships; and</p> <p>4.10 any other matter for which the Minister has a portfolio interest, such as work on the constitutional and institutional arrangements supporting Crown/Māori partnerships;</p> <p><i>Advise the Minister for Treaty of Waitangi Negotiations on</i></p> <p>4.11 completing historical Treaty Settlements under the Ministerial leadership of the Minister for Treaty of Waitangi Negotiations;</p> <p><i>Advise the Minister responsible for applications under the Marine and Coastal Area (Takutai Moana) Act 2011 on</i></p> <p>4.12 administering the Marine and Coastal Area (Takutai Moana) Act 2011; and</p>
<p>Priority areas under initial scope</p> <p>2. The priority areas were:</p> <p>2.1 take the lead on resetting Crown/Māori relationships on hard issues;</p> <p>2.2 find opportunities for active partnerships between the Crown and Māori;</p> <p>2.3 measure how healthy the Crown/Māori relationship is over time to drive accountability;</p> <p>2.4 help government to better engage with Māori on matters of importance;</p> <p>2.5 support Māori capability and capacity to deal with government;</p> <p>2.6 lift public sector performance to better respond to Māori issues; and</p> <p>2.7 develop a way to deal with contemporary Treaty claims.</p>		

Appendix Four: The complementary functions of Te Puni Kōkiri and the proposed Crown Māori Office



Crown engagement with Māori

Engage early • Be inclusive • Think broadly

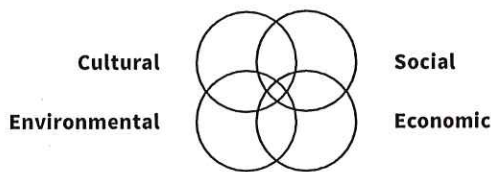
Ko te wairua tika, te ngakau pono, me te mana orite, te tūāpapa o te hononga o te Karauna me te Māori. Engagement with Māori is a key component of realising Crown/Māori partnerships. Effective engagement is based on developing effective and ongoing relationships with Māori. Relationships are based on trust, integrity, respect and equality.

Ka whakaatu i ngā tikanga me ngā whakaaro Māori ki roto i ngā mahi a te Karauna me ngā tari Kawanatanga. An effective, efficient and inclusive engagement process should reflect Māori perspectives and cultural values.

This engagement framework will assist you to determine who you need to engage with and how you engage. Engaging effectively with Māori contributes to the development of effective policy options, assists agencies in providing robust advice to Ministers and most importantly helps deliver improved outcomes. Throughout your engagement process you should be guided by the following key principles: Engage early, Be inclusive, Think broadly.

1. What is the kaupapa?

Understanding the full scope of the issue you are preparing to engage on will prepare you for determining the impact on Māori and your target audience. It's important to keep in mind that issues can sit across a range of sectors and there may be related or overlapping issues that extend your range of interested stakeholders and require inter-agency collaboration. You may need to talk with Māori to fully understand the scope of your issue, so having ongoing relationships with key Māori stakeholders is useful.



2. Who to engage with.

Defining the issue and impact on Māori will enable you to determine who has a potential interest in the issue and what level of input they should have in discussions. Be inclusive and think broadly. Engagement may be required at different levels across the local, regional and national spectrum.

Local
The issue affects Māori in a local area.
e.g. *Individuals, Whānau, Hapū and Iwi*

Regional
The issue affects Māori in a particular area.
e.g. *Iwi organisations, Collectives, Organisations with a particular purpose*

National
The issue affects all Māori in Aotearoa.
e.g. *National organisations dedicated to Social, Economic, Environmental, Cultural issues, or interested in all issues related to Māori*

Te Kāhui Māngai is one of many useful resources available to assist you to establish a list of contacts to facilitate the involvement of those affected. Te Kāhui Māngai also provides a glossary of Māori groups and their purposes for reference.

It is important that you determine what existing relationships might exist within your own agency with relevant Māori as there may be existing forum for other discussions occurring that you can join up with. It's also very important that agencies consult with each other to avoid creating overlapping processes.

5. How to proceed.

Once you have undertaken an impact assessment and determined who to engage with, ensure the following steps are included in your planning and implementation process. The associated guidelines also provide guidance for developing an effective engagement strategy.

Before engagement

Draft engagement strategy

The Engagement Guidelines provide advice for developing an engagement strategy.

Review engagement strategy

Seek feedback from other agencies who have an interest in the issue. The Crown-Māori Relations unit will review a finalised draft of your engagement strategy to ensure the principles of effective engagement have been applied and the process is broad and inclusive.

After engagement

Feedback

At a minimum, inform participants how their feedback has been translated into action and outcomes and seek their feedback on the process. This is crucial to ensure a long-term relationship. Feedback should be informed by the scale of engagement and the degree of collaboration.

Review

Agencies should review their engagement process and examine ways of making the more effective.

The Crown/Māori relations unit is interested in ensuring that this engagement framework is producing effective engagement with Māori. Therefore, they will also undertake a review process with you.

3. How to engage.

Considering the significance of the issue for Māori and how they will be affected, either now or in the future, is fundamental for determining how you should engage so it is important that this is all-encompassing. Engagement may be required at different levels for different stakeholder groups.

Minor ▶ Māori interests are limited or not affected in any special way.	Inform The Crown will keep Māori informed about what is happening. Māori will be provided with balanced and objective information to assist them to understand the problem, alternatives, opportunities and/or solutions.
Moderate ▶ Māori interests exist or are affected but wider interests take priority. Specific Māori interests are affected.	Consult The Crown will seek Māori feedback on drafts and proposals. The Crown will ultimately decide. The Crown will keep Māori informed, listen and acknowledge concerns and aspirations, and provide feedback on how their input influenced the decision.
Significant ▶ Māori interests are significantly affected. Māori interests are overwhelming and compelling. Māori interests are central and other interests limited.	Collaborate The Crown and Māori will work together to determine the issues/problems and develop solutions together that are reflected in proposals. The Crown will involve Māori in the decision-making process but the Crown will ultimately decide. Partner/Co-design The Crown and Māori will partner to determine the issue/problem, to design the process and develop solutions. The Crown and Māori will make joint decisions. Empower Māori will decide. The Crown will implement the decision made by Māori.

4. When should you engage?

Early engagement is a key principle for effective engagement. Early engagement can help clarify issues, support communications with your target audience and ensure that Māori are informed to participate. It is important to remember that engagement doesn't have to be a one-off process, it can be ongoing and occur at various stages of the process.

Guidelines for engagement with Māori

Engage early. Be inclusive. Think broadly.

Effective and genuine engagement supports relationships that are based on trust and confidence.

Introduction

These Guidelines will assist you to determine who you need to engage with, how to engage, and how to develop an effective engagement strategy. They have been designed to be read in conjunction with the Crown engagement with Māori framework. "Engagement" refers to the range of methods and activities that are used to interact with Māori.

Effective engagement with Māori is key to producing better quality outcomes and realising Crown-Māori partnerships. It will allow you to gather on the ground information, views, reactions and strengthens the legitimacy of decisions. Engaging effectively with Māori contributes to the development of effective policy options, assists agencies in providing robust advice to Ministers and helps deliver improved outcomes.

For Māori, the process of genuine engagement with Māori by the government is:

- an acknowledgement of their rangatiratanga and status as Treaty partners
- an acknowledgement that mātauranga Māori makes an important contribution to solving policy and practical problems
- an acknowledgement that Māori have the resources and capability to contribute; and
- an acknowledgement that some issues affect Māori disproportionately and are therefore better placed to develop the solutions.

Several agencies have statutory and/or Treaty settlement obligations to engage with specific groups. Engagement should not be limited to achieving formal obligations. Processes that consider Māori participation and views are likely to be more effective.

The goal is to have effective, efficient and inclusive approaches to Māori engagement across government which reflects the inclusion and consideration of Māori perspectives and cultural values. Good engagement should complement other ways your agency collects relevant information and data to inform policy development.

Throughout the development of your engagement process you should be guided by the following principles: Engage early, Be inclusive, Think broadly.

Engagement that is early, inclusive and broad will lead to the following:

- A greater understanding of one another's expectations and aspirations
- Increased opportunities to co-design processes and systems
- Increased opportunities to establish shared projects and programmes
- Improved process based on understanding of one another's priorities, expectations and available resources
- More efficient use of government and Māori resources
- Supporting Māori expectations and aspirations

If engagement is not early, inclusive or broad there may be reduced opportunities to develop meaningful future relationships and the development of effective policy options may be compromised.

The effort and costs of engagement will be reduced if agencies have established networks and ongoing relationships with Māori through which ideas can be tested as part of the normal work routine.

The framework and these guidelines are most relevant to engaging on a specific policy issue or initiative but the principles are also relevant to more informal engagement with Māori or when Māori initiate engagement with the Crown.

What is the kaupapa?

Clearly define the intended purpose of your engagement and what you want to achieve.

Aligning your kaupapa within sectors will prompt you to consider the full range of interests and intersects to ensure that all the relevant interests are considered.

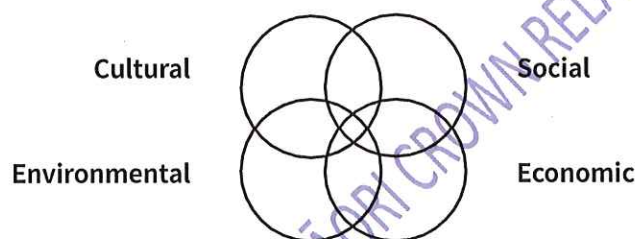
The first step in preparing for an engagement process is ensuring that you clearly define the intended purpose of the engagement and what you want to achieve.

Kaupapa in this context means the policy, purpose or matter for which you intend to engage on.

The framework prompts you to consider your kaupapa across sectors - cultural, environmental, social and economic - to assist you in the next step of determining

your target audience. You will find that different sectors generally have different audiences.

Remember that issues can be complex, multi-faceted and overlap sectors. Aligning your kaupapa within sectors will encourage you to consider where there are intersecting interests that need to be considered and any treatment required to ensure that all the relevant interests are considered.



If you are unsure about whether you have fully mapped the scope of your kaupapa, discussing your assessment with other officials, agencies and Māori will assist.

The most important thing to remember is to think broadly and consider any intersects across sectors as early as possible in your planning - it is easy to remove interests once the process has started, but it is difficult to introduce interests once a process is underway.

Questions you should ask yourself to help determine the scope and purpose of your engagement process:

- What are you testing?
- What are your key messages?
- Are your key messages focused on the decisions required?
- Who can you talk to within your organisation (or in another agency) to determine the potential significance of your kaupapa to Māori?
- Are there legal requirements, Treaty settlement commitments or a policy/Ministerial directive driving your engagement?
- What relevance does this have in the social, cultural, economic and environmental sectors?

Who to engage with

Determining the geographical relevance of the kaupapa alongside sectoral interests will enable you to determine your specific audience.

Think broadly - ensuring that the full range of people who have an interest in your kaupapa are engaged is imperative for ensuring that the full extent of views and feedback are canvassed.

Treaty settlement commitments and/or statutory commitments may also require that you engage with particular people or groups.

Who to engage with can depend on whether the kaupapa is specific to a geographic region. The overarching principle is that those who will be affected are entitled to be involved in the process.

In the same way that aligning your kaupapa within sectors will prompt you to consider intersecting interests, determining the geographical relevance

of the kaupapa will enable you to determine your audience on a local, regional or national scale. Think broadly - your kaupapa may have national and regional impacts or it may have several local impacts. Ensuring that the full range of people who have an interest in your kaupapa are engaged is imperative for ensuring that the full extent of views and feedback are canvassed.



Local

The issue affects Māori in a local area.

e.g. Individuals, Whānau, Hapū and Iwi



Regional

The issue affects Māori in a particular area.

e.g. Iwi organisations, Collectives, Organisations with a particular purpose



National

The issue affects all Māori in Aotearoa.

e.g. National organisations dedicated to Social, Economic, Environmental, Cultural issues, or interested in all issues related to Māori

Once you understand the relevant sector and geographical impacts of your kaupapa you should begin to make a list of individuals, whānau, hapū, iwi or Māori organisations to engage with.

There may be many organisations or groups that represent an iwi, for example there may be a rūnanga, a post settlement governance entity and/or a mandated iwi organisation. In the first instance, you should talk to as many representative entities as possible. If the kaupapa is not relevant to one of them they will be able to tell you and they may also

be able to tell you if you need to talk to others. Your organisation may already have existing relationships with Māori stakeholders or a specific Māori advisory team who may be a good first point of contact.

Treaty settlement commitments and/or statutory requirements may also require that you engage with particular people or groups - the Post Settlement Commitments Units (part of the Crown Māori Relations Rōpū) will be able to advise whether there are settlement commitments.

Useful resources

There are a number of Māori organisations whose interests are in a particular sector or kaupapa, there are also Māori organisations that have an interest in all kaupapa that affect Māori. Te Kāhui Māngai (www.tkm.govt.nz) is one useful resource available to assist you to find relevant contacts. You can also contact Te Puni Kōkiri or the Crown Māori Relations Unit.

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How to engage

A kaupapa that is significant to Māori will require more intensive involvement from Māori. Processes that give appropriate consideration to Māori participation and views are likely to be more effective.

“Engagement” refers to the range of methods and activities that are used to interact with Māori. Assessing the level of significance of your kaupapa to Māori will help select an appropriate engagement method. Generally, the more significant a kaupapa is to Māori the more intensive the involvement from Māori should be.

The engagement framework provides a sliding scale assessment to help you consider the impact and engagement methods. There will be times where different methods of engagement are appropriate for different audiences and for different stages of your process, you should remain open and flexible to these situations, engagement is not a one size fits all model.

The spectrum of engagement methods that are provided in the engagement framework:

Inform	The Crown will keep Māori informed about what is happening. Māori will be provided with balanced and objective information to assist them to understand the problem, alternatives, opportunities and/or solutions.
Consult	The Crown will seek Māori feedback on drafts and proposals. The Crown will ultimately decide. The Crown will keep Māori informed, listen and acknowledge concerns and aspirations, and provide feedback on how their input influenced the decision.
Collaborate	The Crown and Māori will work together to determine the issues/problems and develop solutions together that are reflected in proposals. The Crown will involve Māori in the decision-making process but the Crown will ultimately decide.
Partner / Co-design	The Crown and Māori will partner to determine the issue/problem, to design the process and develop solutions. The Crown and Māori will make joint decisions.
Empower	Māori will decide. The Crown will implement the decision made by Māori.

There may be statutory or legislative mechanisms in place that require specific forms of engagement with specific groups, for example, issues that would generally require partner/co-design or empower methods of engagement but statutory or legislative mechanisms don’t require that method of engagement. In these circumstances, you should work with Māori to find an

appropriate solution. Remember, processes that give appropriate consideration to Māori participation and views are likely to be more effective.

Your assessment may also encourage you to consider whether amending the statutory or legislative mechanisms is required.

Developing an Engagement Strategy

Your engagement strategy will guide your engagement process, it is a living document that should remain open to change.

You should look for options to co-ordinate within your organisation and across government and timeframes should allow sufficient time for your audience to engage effectively.

Once you have determined who you need to engage with and which engagement method you think is most appropriate, you should draft your engagement strategy.

Your engagement strategy should contain the following:

- principles for engagement;
- timeframes;
- audience and stakeholder analysis;
- communication strategy and key messages;
- risk analysis;
- implementation plan; and
- a feedback and review process for the engagement.

Looking for opportunities to coordinate engagement

The pressures for Māori to participate in engagement processes is constantly increasing and engagement fatigue is common.

As well as considering the timing of your engagement process and avoiding clashes with other engagement process, look across Government to see if there are opportunities to join-up with other processes that are occurring in the same period of your planned engagement.

Things you should consider when looking for opportunities to coordinate engagement:

- Is there any potential cross-over with any other engagement processes occurring around the same time?
- Is the government currently engaging with this group on any other matters?
- Has the government engaged recently on this issue or with the same audience, and what was the result?
- Is there an opportunity to coordinate with other engagement processes occurring?
- How can we maximise this opportunity for involvement and meaningful engagement?

Timeframes

Your engagement strategy should show that you have given due consideration to appropriate timeframes, i.e. ensuring you have allowed sufficient time for people to engage effectively.

Seek input early and not too late in the policy development process (it is important to go to Māori with initial thinking/proposals rather than a fully formed or fixed view).

When establishing timeframes, you need to consider the capacity of your audience to participate in your engagement process and the timeframes should remain as flexible as possible to allow for unexpected situations.

You should consider what other activities might be occurring within Māori communities that may impact on your process.

Timeframes should allow your audience sufficient time to consider your kaupapa and to prepare and provide a response.

- What are your timeframes for engagement and how flexible are they?
- Are you giving Māori sufficient time to consider the kaupapa and respond?
- As a rule of thumb, invitations to any engagement should be distributed at least two-weeks prior to an event.

Audience analysis

Your engagement strategy should identify the appropriate Māori groups, organisations, communities or individuals that you are intending to engage with. You will have gathered this information when determining who to engage with.

Communication strategy and key messages

A clear communications strategy will contribute to the success of your engagement process.

Your communications strategy should include the key messages you intend to deliver to your audience that are tailored to suit the audience you are engaging with. Your key messages should acknowledge the value that Māori perspectives can bring to your kaupapa.

Included in your communications strategy should be consideration of the relevant information that you are going to share with your audience. This material should be developed as early as possible so that it can be distributed to your audience as early as possible so informed input can be provided.

Any engagement material that you produce should be easily accessible to your audience, their accessibility to different forms of media should be considered. The form of communication used should be suitable for your audience and you should always offer more than one way.

Finally, your strategy should include how you will manage any media interest in engagement.

Risk analysis

Your engagement strategy should show that you have considered and identified risks that may impact negatively on the successful completion of your engagement and ways in which they can be overcome or mitigated.

Be flexible and prepared to change the engagement approach as required, particularly if any issues arise that need to be addressed more thoroughly.

Implementation

Things you should consider when thinking about the implementation of your engagement strategy:

- What has worked well and why in any previous engagement processes?
- Have you involved people from your organisation or key stakeholders group who are committed, who are effective at listening and communicating with the audience?
- Do you need to establish a Māori design group to assist you to develop your policy and/or engagement process?
- Have you determined what Māori protocols may need to be organised and do you have the appropriate staff?
- How will Māori perceptions and expectations be identified and managed before, during and after engagement?
- How can we maximise this opportunity for involvement and meaningful engagement?
- Are you providing a range of opportunities for Māori to provide input in the circumstance they are not available to attend hui or meetings (ie. electronic feedback options)?
- Have you included resource to record the discussions at the engagement so you can disseminate this back to participants and inform your feedback/evaluation?

Feedback and analysis

An important part of meaningful engagement is feedback. Engagement is not a one-way process. Māori invest expertise, time and effort into the process. Your engagement strategy should outline how you will provide feedback to your audience about how their input has been used or not.

Evaluating your engagement process is also important to ensure that your organisation is continuously improving.

Considerations on feedback and evaluation for your engagement strategy:

- How will results of the engagement be reported back?
- The form and type of feedback needed in responding to input from engagement
- What are the timeframes for feedback?
- How will feedback be collected, analysed and summarised?
- Who will be the contact person for any concerns?
- Will there be a review of the engagement process?
- Who will be involved in the review process?
- How can your agency leverage follow-up and evaluation to enhance your relationship with Māori?

Appendix One provides a template engagement strategy that you may use when drafting your strategy.

Review

Once you have completed your draft engagement strategy you should provide it to the Crown Māori Relations Unit at the Ministry of Justice for review. The Crown Māori Relations Unit will consider, amongst other things, whether the principles for effective engagement have been applied and if the process is broad and inclusive. They will also provide practical advice based on their knowledge of the current engagement landscape.

Crown Māori Relations Unit (Ministry of Justice): CrownMaoriEngagement@justice.govt.nz

Te Puni Kōkiri is also able to assist with developing your engagement strategy.

It is important to remember that engagement is not a one size fits all, it depends on your specific kaupapa, the context within which you and your Māori audience operates. You should remain as flexible as possible throughout the process.

If time is taken upfront to properly map the engagement process and engagement is early, inclusive and broad, you will receive real and practical advice from those people most affected by your kaupapa. You will also build relationships which if maintained will make future engagement easier.

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